

In the United States District Court
For the Western District of Virginia
Roanoke Division

NOV 18 2019

JULIA C. DUDLEY, CLERK

NO 2019-10-01
DEPUTY CLERK

ASegle
7:19 CW 772

Jacob Alan Shouse, #1101441,
Plaintiff,

v.
Shirya Hawkins, Carl Morris,
Richard Saylor, and
Mottie Wright, Ms. Couch
Defendants,

Jury Trial Demanded

Civil Action

Preliminary Statement

This is A Civil Rights Action filed by petitioner and prisoner, JACOB ALAN SHOUSE, no. 1101441, pro se litigant suing for injunction and damages under 42 U.S.C. § 1983 for allegations of cruel and unusual punishment and deliberate indifference to A serious medical/mental health need in violation of the Eighth Amendment of the United States Constitution

Jurisdiction

1) This court has jurisdiction of the plaintiffs claims pursuant to 28 U.S.C. § 1343

Venue

2) This court has venue under 28 USC § 1391

Parties

3) Defendant S. Hawkins, R. Saylor and M. Wright, Ms. Couch are the plaintiffs' primary Mental Health Authority, they are employed as Qualified Mental Health Professionals (QMHPs) at Wallens Ridge State Prison (WRSP) by the VADOC, they are responsible for plaintiffs' Mental Health care at all times relevant in this case, they are each being sued in their official

and Individual capacities.

4) Defendant C. Manis is the Warden at WSP and his responsibilities are outlined under va code 53.1 as an agent of the VADUC, he is being sued in his official and Individual capacity.

5) All defendants have acted and continue to act under color of state law relevant to this complaint.

Facts

6) Plaintiff was transferred to WSP on Sept. 24, 2019, to a supermax/security level 5 facility, from a security level 2/3 low medium Rockwall State Correctional Center for non-violent minor infractions that increased his security level.

7) Two days after plaintiff arrived, Sept. 26, 2019, he attempted suicide, he lacerated his throat and jugular vein requiring 15 sutures, he then swallowed the razor, he received 2 units blood transfusion and an eight day hospital admittance due to correctional officers not making required monitor rounds in seg. every 30 minutes.

8) Plaintiff is considered seriously mentally ill with several Mental Health diagnoses, i.e., Bi-Polar, depression, PTSD and Borderline Personality, he is labeled ^{M.H. Code 5,} "At Risk" per VADUC operating procedure 730.3 and was supposed to be checked/monitored every 30 minutes while housed in solitary segregation, he went unmonitored for over 2 hrs.

9) Plaintiff is SUICIDAL, an imminent danger to himself, he has a plan to commit suicide, yet he seeks help to no avail. He has voiced these ideations to QMAPs innumerable times but has no access to adequate Mental Health treatment.

10) Plaintiff was held on suicide precautions for the past month and is now being forced to go to general population or remain in segregation — Despite other alternatives (per VADOC operating procedure 730.3 levels of service) being available, he is being denied adequate treatment commensurate to his serious needs and risk of suicide. He continues to suffer

11) Plaintiff spent 13 consecutive years in long-term solitary confinement in Va's supermax prisons, but had a previous 4-year successful behavior transition at lower security levels 2015-2019 when he was infraction free and a 1 yr. success at VA Mental Health Unit 2016-2017.

12) Plaintiff was held for 8 days Sept. 26, - Oct. 4 in hospital admittance being tortured by excessive force and a barbaric use of restraints. He was kept tied/chained up in full transport restraints, i.e., cuffs, black box, waist chain, shackles and React-shock belt for 8 consecutive days ~~without reprieve~~ ^{without reprieve} — not even a chance to bathe or use of restroom. This done with severe injury to plaintiff's wrists where deep-holed abrasions and burns ate into them and bone bruises and pinched nerves in also his ankles. A React-shock belt tightly around his abdomen despite injected foreign bodies. Nurses had to controversially ask for "flex cuffs" to be utilized, but was denied.

13) Plaintiff has exhausted all administrative remedies in a timely manner by which have been made available to him

by prison officials.

Claims for Relief

14) The actions or ~~actions~~ non-actions of Defendants B. Hawkins, Saylor and Wright to refuse, beyond professional judgment and clinical indication, the plaintiff adequate mental health treatment for his extensive history of suicidal ideations and fantasies and recent suicide attempt and continuous plan to commit suicide because of his serious mental illness, denying him services available within the UADOC that are clinically indicated clearly constitutes an 8th Amendment violation of denial of adequate mental health treatment and deliberate indifference to a serious medical/mental health need under color of law and will result in the imminent suicide of plaintiff as the level of inadequate service he's receiving is unconstitutional.

15) And the non-actions of Defendant to not curtail the routine practice of the marking required monitoring rounds in segregation every 30 minutes and routine practice of barbarically "hog-tying" patients in the hospital during lengthy stays to which plaintiff was subjected and the associated injuries he sustained constitute cruel and unusual punishment, ^{deliberate indifference to plaintiff's mental health care} and use of excessive force in violation of the Eighth Amendment of the U.S. Const.

Therefore the plaintiff demands a trial by jury on all issues the court sees fit.

Relief Requested

Wherefore, the plaintiff seeks the following relief:

A) Issue an injunction ordering defendants to RESIST

the plaintiff for an immediate transfer to an appropriate
Mental Health unit/facility to meet his clinical needs

B) Issue A judgment that the use of full restraints
during lengthy hospital stays are unconstitutional when other
safe measure are discernable/available

C) Award compensatory, punitive and nominal damages
against each defendant severally in excess of \$25.00 jointly.

D) Any other relief the court may deem appropriate

E) That plaintiff be allowed to proceed in forma
pauperis pursuant to 28 U.S.C. §1915 (see declaration herewith)

F) That plaintiff be allowed to amend this complaint
pursuant to the Fed. R. Civ. P.

I swear under penalty of perjury the foregoing
is true pursuant to 19 U.S.C. §1776

Respectfully Submitted

Jacob Shouse #11011411

WRSP

PO Box 759

Big Stone Gap, Va. 24219

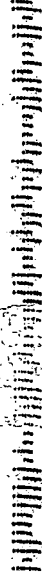
JACOBS SHOWS 11011441
WILLIAMS RIDGE STATE REGION
PO BOX 759
BIG STONE GAP, VA. 24219

Virginia Dept of Corrections
Has Neither Censored or Inspected
Item. Therefore the Dept Does Not Assume
Any Responsibility For It's Contents

Clark
US District Court
Western Region
210 Front Street Rd. Rm 540
Roanoke, Va. 24011

LEGAL MAIL

2401182209 0009



U.S. POSTAGE
ZIP 24219 \$ 000.50⁰
02 4W
0000369381 NOV. 13. 2019

Isabell